REMARKS

This Response is submitted in reply to the Final Office Action mailed on April 1, 2009. Claims 29, 31-34, 45, 47-50 are pending. Claims 29 and 45 are the sole independent claims.

In the Office Action, Claims 29, 31-34, 45, 47-50 are rejected under 35 U.S.C. §102(b) as being anticipated by Kawakami et. al., U.S. 6,949,312 ("*Kawakami*"). The Examiner, in part, relies on Examples 23 and 24 of Table 11 in *Kawakami* which discloses half widths of 10 and 8 degrees to satisfy the claim limitation of "about 5 degrees or more". See Office Action, page 4. In response, Applicants first note that the only support for this limitation is in two out of the 29 examples in Tables 10 and 11 of *Kawakami*. Further, Applicants have amended independent Claim 29 to incorporate the limitation directed to the element M, as recited in Claim 32. As currently amended, the alloy, in independent claim 29 includes as element M, tin and at least one kind selected from the group consisting of nickel, copper, iron, cobalt, manganese, zinc, indium and silver, which displays a half width of a diffraction peak obtained by X-ray diffraction analysis of the reactive phase of about 5° or more. Unlike the examples the Examiner relies on for the limitation of the half width of 5° or more, See Office Action, page 4, the claimed invention does not contain Zirconium. Claim 45 is similarly amended to incorporate claim 48. Claims 32 and 48 are canceled. Since the only support for the limitation of the half width of 5° or more comes from examples of alloys which contain Zirconium, Applicants respectfully submit that the claimed invention is not anticipated by *Kawakami*.

Further, Applicants have amended Claims 34 and 50 to further define the median size of the anode active material to be about 30 μm to 50 μm. This limitation is supported in the specification. See Applicant's Specification [0031], Table 6. In contrast to the claimed invention, *Kawakami* only discloses a range of 0.5 μm to 20 μm. See *Kawakami*, Col 10, lines 23-26. In addition, *Kawakami* only discloses content in atomic percent (See Col 8, lines 25-29; Col 13, lines 11-14) and requires that the elements used in the alloy have their atomic sizes different by more than 10%. See *Kawakami*, Col 11, lines 47-51. Therefore, Applicants submit that *Kawakami* does not anticipate the claimed invention. Accordingly, Applicants request that the anticipation rejections be withdrawn.

Applicants respectfully submit that the application is in condition for allowance and earnestly solicit the same.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No.: 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-485 on the account statement.

Respectfully submitted,

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